

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

George A. Jones, Jr., #281087,)	
)	Civil Action No. 6:04-21886-HFF-WMC
Plaintiff,)	
)	
vs.)	<u>REPORT OF MAGISTRATE JUDGE</u>
)	
City of Columbia Police Department,)	
Officer Cook, and Officer Dock,)	
)	
Defendants.)	
)	

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On August 19, 2005, defendant City of Columbia Police Department filed a motion for summary judgment. On August 22, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary judgment dismissal procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

On August 29, 2005, defendants Cook and Dock filed a motion to dismiss. A second *Roseboro* order was filed on August 30, 2005, giving the plaintiff an opportunity to respond. He failed to file any opposition.

As the plaintiff is proceeding *pro se*, the court filed a second order on October 12, 2005, giving the plaintiff through November 4, 2005, to file his response to the motion for summary judgment and the motion to dismiss. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), *cert. denied*, 493 U.S. 1084 (1990).

s/William M. Catoe
United States Magistrate Judge

November 8, 2005

Greenville, South Carolina